

## SUMMARY OF DOCKET ENTRIES REGARDING CLASSIFIED MATERIAL

Government Submission	Court Review	Hearing	Order
CR 93 - Mar. 20, 2008 Government Invokes CIPA and requests a Pre-trial Conference pursuant to CIPA.	None called for.	CR 102 - Apr. 29, 2008 Pre-trial Conference re: CIPA was held. All Parties present.	None called for.
CR 127 - Sept. 5, 2008 First Gov't CIPA filing.	CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16 th. Tr. 1/6/09 at 2, 6.	CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6. The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.	CR 160 - Mar. 20, 2009 Court signed Protective Order relating to First CIPA filing. Provides for unclassified summary to be given to the defense.
CR 158 - Mar. 19, 2009 Addendum to First CIPA filing	The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.  CR 575 - At a status conference on Feb. 26, 2009, the Court confirmed that it would be conducting a review in Washington D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.	CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in Washington D.C. on Thursday. Tr. 2/26/09 at 4-5.	
	<ul style="list-style-type: none"> <li>• Was there a review of the First Gov't CIPA filing, when did it take place, and who was present?</li> </ul> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<ul style="list-style-type: none"> <li>• Was there a hearing, when was the hearing, and who was present?</li> </ul> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	

Government Submission	Court Review	Hearing	Order
<p>CR 128 - Sept. 5, 2008 Second Gov't CIPA filing.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on February 26, 2009, the Court confirmed that it would be conducting a review in Washington D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <p>• Was there a review of the Second Gov't CIPA filing, when did it take place, and who was present?</p> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in Washington D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <p>• Was there a hearing, when was the hearing, and who was present?</p> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>CR 161 - Mar. 20, 2009 Court signed Protective Order relating to Second CIPA filing. No disclosure ordered.</p>

Government Submission	Court Review	Hearing	Order
<p>CR 129 - Sept. 5, 2008 Third Gov't CIPA filing</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on February 26, 2009, the Court confirmed that it would be conducting a review in D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <p>• Was there a review of the Third Gov't CIPA filing, when did it take place, and who was present?</p> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <p>• Was there a hearing, when was the hearing, and who was present?</p> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>The defense does not find any order referring to the Third CIPA filing.</p> <p>CR 159 - Mar. 20, 2009 Court Order Denying Defendant's First Motion and Supplement to First Motion for Discovery, insofar as they relate to the Terrorist</p>
<p>It is unclear if the CR 159 Court Order is related to the Government's Third CIPA filing (CR 129).</p>	<p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>CR 159 - Mar. 20, 2009 Court Order Denying Defendant's First Motion and Supplement to First Motion for Discovery, insofar as they relate to the Terrorist</p>

Government Submission	Court Review	Hearing	Order
			Surveillance Program of the NSA.

Government Submission	Court Review	Hearing	Order
<p>The record does not reflect any filing related to the hearing referred to in CR 217.</p>	<p>The record does not reflect any review of any material that is the subject of the hearing referred to in CR 217.</p>	<p>CR 217 - Aug. 11, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.</p> <p>•Who is present?</p> <p>The docket entry of CR 217 needs to reflect who is present for the hearing.</p>	<p>The record does not reflect any order related to the hearing referred to in CR 217.</p>
<p>Government In Camera Submission - Sept. 3, 2009 (See CR 216).</p> <p>The docket does not reflect any CIPA filing related to this date. Is this submission related to the Fourth CIPA filing found in CR 219?</p>	<p>CR 216 - Sept. 10, 2009 Court reviews the government's in camera submission dated Sept. 3, 2009.</p>	<p>•Was there a hearing and who was present?</p> <p>The docket does not reflect a hearing related to the Sept. 3, 2009 submission.</p>	<p>CR 216 - Sept. 10, 2009 Court confirmed that none of the items referred to in the sealed letter of Sept. 3, 2009 need be provided to the defense.</p>
<p>CR 219 - Sept. 10, 2009 Fourth Gov't CIPA filing.</p>	<p>• Was there a review?</p> <p>The docket does not make clear whether the hearing in CR 218 is related to or included review of CR 219.</p>	<p>CR 218 - Sept. 10, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.</p> <p>•Who is present?</p> <p>The docket does not make clear whether the hearing in CR 218 is related to or included review of CR 219.</p>	<p>CR 280 - Mar. 3, 2010 Court signed Protective Order relating to Fourth CIPA filing. No disclosure is ordered.</p>

Government Submission	Court Review	Hearing	Order
The docket does not reflect the filing to which CR 229 is related.	The docket does not reflect the review of any material (if any) to which CR 229 is related.	<p>CR 229 - Oct. 14, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.</p> <p>•Who is present?</p> <p>There needs to be a docket entry reflecting who is present at the hearing.</p>	The docket does not reflect any order to which CR 229 is related.
CR 236 - Nov. 13, 2009 Fifth Gov't CIPA filing	The docket does not reflect any review of the material submitted through the Fifth CIPA filing.	The docket does not reflect any hearing, and who was present, that took place regarding Fifth CIPA filing.	<p>CR 278 - Feb. 26, 2010 Court signed Protective Order relating to Fifth CIPA filing allowing for a classified summary to be provided to the defense.</p> <p>CR 297 - Mar. 19, 2010 Court entered a protective order providing for the review of classified summary by the defense.</p>
	<p>CR 364 - May 4, 2010 Court mentions it is going to Washington D.C. to do some review on May 19, 2010. Tr. 5/4/10 at 7-8.</p> <p>The docket does not reflect whether any such review occurred and if so, who was present.</p>		



Government Submission	Court Review	Hearing	Order
<p>CR 391 - Jun. 14, 2010 Sixth Gov't CIPA filing entitled "Ex Parte Government's Supplemental Response to Defendant's Third Supplement to First Motion for Discovery Filed Pursuant to CIPA §§ 3 and 4 and Rule 16(d)(1) and Government's Motion to Delete Items from Discovery."</p> <p>It is inferred that this is related to:</p> <p>CR 392 - June 14, 2010 Notice of Filing of the Government's In Camera Response to Defendant's Third Supplement to First Motion for Discovery Pursuant to the Classified Information Procedures Act.</p>	<p>The docket does not reflect the review of the Sixth CIPA filing.</p>	<p>CR 364 - May 4, 2010 Government (AUSA Gorder) mentions that he would like to meet with the Court re: the Defense filings filed from Washington D.C. at the end of Apr. 2010. Tr. 5/4/10 at 7-8.</p> <p>The docket does not reflect whether any such hearing was held.</p> <p>The docket does not reflect whether a hearing took place, and who was present, regarding the Sixth CIPA filing.</p>	<p>CR 424 - Aug. 23, 2010 Court signed Protective Order re: "Ex Parte Government's Supplemental Response to Defendant's Third Supplement to First Motion for Discovery Filed Pursuant to CIPA §§ 3 and 4 and Rule 16(d)(1) and Government's Motion to Delete Items from Discovery."</p> <p>CR 409 - The Court denied Defendant's Third Supplement to First Motion for Discovery.</p>

Defense Submission	Court Review	Hearing	Order
<p>On or about Jan. 31, 2008, Defense Counsel places a defense document in a Sensitive Compartmentalized Information Facility (SCIF) through the Court Security Officer. See, e.g. Tr. Mar. 18, 2008 at 7 (CR 92).</p> <p>CR 105, 106 - Jun. 16, 2008 Defense Motion for Protective Order and Modify Court's May 16, 2008 Order.</p> <p>CR 135, 136 - Oct. 10, 2008 Defense renews motion for modification of court order of May 16, 2008.</p> <p>CR 162 - Apr. 14, 2009 Defense requests ruling regarding ability to communicate about document provided by defense. Tr. 4/14/09 at 4, 23.</p> <p>CR 164 - Apr. 17, 2009 Defense requests ruling on CR 105, 106, 136. (Fn 1).</p> <p>CR 222 - Sept. 15, 2009 Defense requests guidance from the Court regarding the May 16, 2008 Order.</p>	<p>CR 143 - Nov. 12, 2008 Court indicates it is going to look at materials. Tr. 11/12/08 at 5.</p> <p>CR 570 - Aug. 10, 2011 at 14. The Court acknowledges that the Court has reviewed the document.</p> <p><b>There needs to be a docket entry that reflects each time a review took place, and who was present during the review.</b></p>	<p><b>There needs to be a docket entry that reflects if there was a hearing, when the hearing was, and who was present.</b></p>	<p>CR 103 - May 16, 2008 Court ordered defense counsel and defense team to have no discussion regarding contents of document defense placed in SCIF.</p> <p>CR 109 - Jul 1, 2008 Order denying defendant's motion for protective order.</p> <p>CR 113 - Jul. 15, 2008 Court Orders no reference to any memory of the contents or speculation as to the contents. Court bars disclosure. Tr. 7/15/08 at 4.</p> <p>CR 143 - Nov. 12, 2008 Court notes material is barred from discussion, and that it is going to look at it first. Tr. 11/12/08 at 5.</p> <p>CR 191 - Jul 1, 2009 Court denied defense motions for modification of Court order of May 16, 2008.</p> <p>CR 222 - Sept. 15, 2009 Court indicates that it will put ruling in writing. Tr. 9/15/09 at 18</p> <p>CR 276 - Feb. 26, 2010 at 2 Order denying protective order that would allow for the defense team to discuss</p>



Defense Submission	Court Review	Hearing	Order
CR 194 & 195 - July 9, 2009 Defense Motion for a Protective Order and Defense First CIPA notice (no submission of materials).	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 276 - Feb. 26, 2010 Order denying protective order that would allow for the defense team to discuss defense document placed in SCIF.
CR 200 - July 27, 2009 Defense Second CIPA notice (no submission of materials).	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.
CR 351 (567) - April 28, 2010 Defense Third CIPA notice.	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.

Date of Classified/Closed Hearing	Who Is Present	Are Materials Reviews
CR 312 - April 1, 2010 Classified hearing held.	The docket does not reflect who is present.	The docket does not reflect if any materials were reviewed.
CR 373 - May 10, 2010 Classified hearing held.	The docket does not reflect who is present.	The docket does not reflect if any materials were reviewed.
*Aug. 31, 2010 (4:14 p.m.) Closed hearing held.	Gorder, Cardani, Wax, Matasar, Scooter Slade, David Baker, Christy Weller	
This hearing is not reflected on the docket.		
*Sept. 2, 2010 (5:53 p.m.) Closed hearing held.	Gorder, Cardani, Matasar, Wax, William Teesdale, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
This hearing is not reflected on the docket.		
*Sept. 2, 2010 (6:05 p.m.) Closed hearing held.	Gorder, Cardani, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
This hearing is not reflected on the docket.		
*Sept. 2, 2010 (6:12 p.m.) Closed hearing held.	Gorder, Cardani, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
This hearing is not reflected on the docket.		
*Sept. 3, 2010 (11:20 a.m.) Closed hearing held.	Gorder, Cardani, Wax, Matasar, Scooter Slade, Christy Weller, David Baker	
This hearing is not reflected on the docket.		
*Sept. 7, 2010 (2:50 p.m.) Closed hearing held.	Cardani, Gorder, David Carroll, Scooter Slade, David Baker	
This hearing is not reflected on the docket.		

Date of Classified/Closed Hearing	Who Is Present	Are Materials Reviews
*Sept. 7, 2010 (2:28 p.m.) Closed hearing held. <b>This hearing is not reflected on the docket.</b>	Gorder, Cardani, David Carroll, Wax, William Teesdale, Christy Weller, Scooter Slade, David Baker	

\* This information provided to all parties by the Court Security Officer.